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U.S. ATTORNEY RICK THOMPSON -

**“DECISION NOT TO PROSECUTE VIDALIA TELEPHONE
INTERCEPTION CASE WAS APPROPRIATE.”**

Rick Thompson, United States Attorney for the Southern District of Georgia, announced today that, in response to public concern raised by recent newspaper stories alleging that in November 1997 a law enforcement officer in the Vidalia area intercepted the radio portion of several unscrambled cordless telephone calls, the decision by his predecessor, Donnie Dixon, to decline federal criminal prosecution was well within the bounds of sound judgment and prosecutorial discretion based on the state of the law and facts known in 1997. Mr. Thompson stated that while an unauthorized invasion of a citizen's reasonable expectations of privacy is reprehensible conduct, United States Attorneys are obligated to assess the state of the law at the time in deciding whether to institute a federal criminal prosecution. No new facts have been brought to light since Mr. Dixon's decision that give any reason to question or reverse his decision. Moreover, the criminal statute of limitations has run and would now bar any federal criminal prosecution.

The federal laws on wire and electronic communications interception (the so-called “Federal Wiretap Act”) contain many exceptions to the prohibition on

intercepting the unscrambled radio portion of a cordless phone call, including a defense to all criminal liability on a good faith determination that the interception falls within any one of the Act's many complex exceptions, and a qualified immunity from civil suit where the accused is a law enforcement officer.

A criminal case must be proven beyond a reasonable doubt; a civil case can be proved by the much lower standard of a preponderance of the evidence. In other words, it is far easier to prove liability in a civil case than to get a conviction in a criminal case.

Mr. Thompson noted that the Eleventh Circuit Court of Appeals, when reviewing the allegations that were the subject of the newspaper stories, questioned whether the Federal Wiretap Act prohibited the conduct at issue. Having introduced a doubt as to whether the interception even violated the criminal law, and having reaffirmed that the defendant could rely on a good faith defense, the court's decision was compelling – a prosecutor objectively and dispassionately reviewing this matter at the time would have been well within the bounds of sound professional judgment in concluding that there was no reasonable likelihood of proving a criminal violation beyond a reasonable doubt.

“A civil remedy was the appropriate avenue for the victim of the interception to obtain redress, and it appears that a settlement satisfactory to all parties was achieved. Thus, this office will not seek further action with regard to the events of November 1997,” concluded U.S. Attorney Thompson.